

REMARKS/ARGUMENTS

Claims 2-22 remain in this application. Independent claims 2 and 12 have been amended.

Objection to the Drawings

The Office Action objected to the drawings under 37 CFR 1.83(a) stating that the primary communication management module and secondary communication management module (of claims 2 and 12) must be shown or the feature(s) canceled from the claim(s). However, the primary centralized management module (CMM) and secondary CMM of claims 2 and 12 are shown in the drawings. Figure 1 illustrates a primary CMM 112 in switching device 102 and a secondary CMM113 in switching device 103. Figure 2 illustrates a CMM 210 in a switching device 200. Thus, the objection to the drawings is respectfully traversed.

Claim Rejections under 35 U.S.C. 112

The Office Action rejected Claims 2-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the claims 2 and 12 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action asserts that nowhere in the Specification is there such terms as a primary communication management module and a secondary communication module and that the Examiner is unable to locate the teachings of assigning, by the primary communication management module, a unique identifier to each of a plurality of stack switches.

The claims meet the requirements of 35 U.S.C. 112, first paragraph. However, the term CMM in the claims 1 and 12 has been amended to read centralized management module. This term is clearly described in the specification and shown in the figures. Figure 1 illustrates a primary CMM 112 in switching device 102 and a secondary CMM 113 in switching device 103. Paragraphs 11 and 12 of the corresponding US published application no. 20050105560 states:

[0011] As is described in greater detail below, a plurality of the switching devices 102-104 possess a centralized management module (CMM) 112-114. The primary purpose of the CMM is to manage the system of switches 100, integrate switch

resources throughout the system of switches 100, and synchronize the various resources across the system of switches 100. Once the resources in the system of switches 100 have been integrated and synchronized across each of the switching devices, the network administrator may view and manage the entire system of switches by merely interfacing with a single switching device.

[0012] At any given time, the CMM of only one of the plurality of switching devices is adapted to actively manage the systems of switches 100. This particular switching device, referred to herein as the primary switching device. A second switching device referred to as the secondary switching device may also be employed to provide redundancy. The CMM of the remaining switching devices remain idle until such time that its CMM is activated and made to serve as a primary CMM or secondary CMM.

Since the terms are described in the specification and shown in the drawings, primary CMM and secondary CMM clearly meet the requirements of 35 USC 112. In addition, the step of “assigning, by the primary CMM, a unique identifier to each of a plurality of stack switches” has been canceled to broaden the claim. Thus, the rejection to the claims under 35 USC 112 is respectfully traversed.

Claim Rejection under 35 U.S.C. 102(e)

The Office Action rejected independent claims 2, 12 and 21 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,785,272 to Sugihara (the Sugihara reference). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. 2131. Applicants respectfully traverse this rejection of the claims under 35 U.S.C. 102(e) because the Office Action has failed to prove that the Sugihara reference discloses each and every element of the claims.

Independent Claim 2 and dependent claims 3 through 11

With respect to claim 2, the Sugihara fails to disclose, *inter alia*, “assigning a second stack switch of the plurality of stack switches to provide redundancy to said first stack switch,

the second stack switch being the second in the management hierarchy of the plurality of stack switches.” Paragraph 13 of the corresponding US published application no. 20050105560 states:

“[0013] The primary switching device 102 is distinguished from the other switching devices 103-104 by the present of an active CMM, referred to as the primary CMM 112. The primary CMM 112 is responsible for compiling topology information acquired by each of the other switching devices 103-104, propagating that information through the system of switches 100, and issuing CMM assignment messages used to establish the management hierarchy. In the preferred embodiment, a second switching device 103 with a secondary CMM 113 is adapted to take over as the primary CMM in case the primary CMM 112 fails or is otherwise unable to manage the system of switches 100. Each of the one or more remaining switching devices, excluding the primary switching device 102 and secondary switching device 103, are preferably enabled to perform as the primary or secondary CMM, although the CMM of these devices generally remain idle until made active.”

The specification describes a primary switching device with an active CMM and a secondary switching device with a CMM providing redundancy and the remaining devices have CMMs that remain idle.

The Sugihara reference nowhere discloses a second stack switch that performs redundancy for the first stack switch. The Sugihara reference states at column 6, lines 5 through 8:

“In the example as shown, unit 1110 is the current master unit which is responsible for all master functions, whereas unit 2120 is the slave unit which is basically a passive unit.”

Thus, the Sugihara reference fails to disclose “assigning a second stack switch of the plurality of stack switches to provide redundancy to said first stack switch, the second stack switch being the second in the management hierarchy of the plurality of stack switches.”

As each and every element of the present invention is not disclosed, taught or rendered obvious by the Sugihara or any of the cited references, Applicants respectfully request that these

rejections be withdrawn. Regarding the rejection of claims 3 through 11, Claims 3 through 11 add further patentable matter to Claim 2 and thus are further differentiated and patentable under 35 U.S.C. §102(e) over the Sugihara reference.

Independent Claim 12 and dependent claims 13 through 20

With respect to claim 12, the Sugihara fails to disclose, *inter alia*, “wherein the CMM is adapted to perform one or more secondary stack switch management functions in response to the stack switch becoming second in the management hierarchy of the plurality of stack switches.”

The Sugihara reference nowhere discloses a second stack switch that performs one or more secondary stack switch management functions. The Sugihara reference states at column 6, lines 5 through 8:

“In the example as shown, unit 1110 is the current master unit which is responsible for all master functions, whereas unit 2120 is the slave unit which is basically a passive unit.”

Thus, the Sugihara reference fails to disclose “wherein the CMM is adapted to perform one or more secondary stack switch management functions in response to the stack switch becoming second in the management hierarchy of the plurality of stack switches.” As each and every element of the present invention is not disclosed, taught or rendered obvious by the Sugihara or any of the cited references, Applicants respectfully request that these rejections be withdrawn. Regarding the rejection of claims 13 through 20, Claims 13 through 20 add further patentable matter to Claim 12 and thus are further differentiated and patentable under 35 U.S.C. §102(e) over the Sugihara reference.

Independent Claim 21 and dependent claim 22

With respect to claim 21, the Sugihara fails to disclose, *inter alia*, “wherein the CMM of each of the three or more stack switches is adapted, if second in the management hierarchy of the three or more of stack switches, to perform one or more secondary stack switch management functions.” The Sugihara reference nowhere discloses a second stack switch that performs secondary stack switch management functions. The Sugihara reference states at column 6, lines 5 through 8:

“In the example as shown, unit 1110 is the current master unit which is responsible for all master functions, whereas unit 2120 is the slave unit which is basically a passive unit.”

Thus, the Sugihara reference fails to disclose “wherein the CMM of each of the three or more stack switches is adapted, if second in the management hierarchy of the three or more of stack switches, to perform one or more secondary stack switch management functions.” As each and every element of the present invention is not disclosed, taught or rendered obvious by the Sugihara or any of the cited references, Applicants respectfully request that these rejections be withdrawn. Regarding the rejection of claim 22, claim 22 adds further patentable matter to Claim 21 and thus is further differentiated and patentable under 35 U.S.C. §102(e) over the Sugihara reference.

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner’s rejection of claims 2-22 as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact Jessica Smith at (972) 240-5324 to expeditiously resolve any outstanding issues.

Respectfully submitted,
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Dated: November 19, 2008

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